

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TOM HENSIEK, <i>et al.</i> ,	)	
Plaintiffs,	)	
vs.	)	Case No. 20-cv-377-DWD
	)	
BD. OF DIRECTORS OF CASINO QUEEN	)	
HOLDING CO., INC., <i>et. al.</i> ,	)	
Defendants.	)	
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BD. OF DIRECTORS OF CASINO QUEEN	)	
HOLDING CO., INC., <i>et. al.</i> ,	)	
Crossclaim/Third-Party Plaintiffs,	)	
vs.	)	
	)	
CHARLES BIDWILL, III, <i>et al.</i> ,	)	
Crossclaim/Third-Party Defendants.	)	
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CHARLES BIDWILL, III,	)	
TIMOTHY J RAND,	)	
Defendants/Counterclaimants,	)	
Crossclaim/Third Party Plaintiffs,	)	
vs.	)	
	)	
TOM HENSIEK, <i>et. al.</i> ,	)	
Counterclaim/Crossclaim/Third-Party	)	
Defendants.	)	
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JAMES G. KOMAN,	)	
Crossclaim Plaintiff,	)	
vs.	)	
	)	
BD. OF DIRECTORS OF CASINO QUEEN	)	
HOLDING CO., INC., <i>et al.</i>	)	
Crossclaim Defendants.	)	
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ORDER

DUGAN, District Judge:

This matter comes before the Court on three motions (Doc. 361, 366, 367).

**Doc. 361: Motion for Extension of Time to Serve First Amended Complaint**

By Motion dated September 29, 2022 (Doc. 361), Plaintiffs Tom Hensiek, Jason Gill, and Lillian Wrobel request additional time to serve its First Amended Complaint and Summons on Defendants the Beneficiaries of the Bidwill Succession Trust. Plaintiffs represent that they are diligently pursuing discovery to determine the identities of these Defendants and need additional time to confirm whether any beneficiaries are still living. No parties have filed objections to Plaintiffs' request, and the deadline for doing so has now passed, *see* SDIL-LR 7.1. Accordingly, Plaintiffs' Motion (Doc. 361) is **GRANTED**. Plaintiffs' deadline to serve Defendants the Beneficiaries of the Bidwill Succession Trust is extended to **December 31, 2022**.

Plaintiffs also represent that they intend to seek leave to amend their complaint to remove Defendant the Bidwill Casino Trust as a Defendant upon learning that this Trust was never formed. To the extent this current Motion is to be construed as a motion for leave, the request is **DENIED, without prejudice**. If Plaintiffs intend to pursue filing a second amended complaint, they must do so by separate motion. *See, e.g.,* Fed. R. Civ. P. 7.

**Doc. 366: Joint Motion for Extension of Time**

By Joint Motion dated October 13, 2022 (Doc. 366), Defendants and Third-Party Plaintiffs Timothy J. Rand, Charles Bidwill, the Board of Directors of CQ Holding Company, Inc., the Administrative Committee of the Casino Queen Employee Stock Ownership Plan, Jeffrey Watson, and Robert Barrows (the "Third-Party Plaintiffs"), seek to extend their response deadlines to the Consolidated Motion to Dismiss filed by Third

Party Defendants Michael Gaughan and Franklin Toti at Doc. 354. The Third-Party Plaintiffs ask to extend this deadline until 30-days after the Court enters its order disposing of Defendant Rand and Bidwill's Motion to Dismiss at Doc. 155. The Motion indicates that counsels for Third-Party Defendants Gaughan and Toti consent to this request. Accordingly, for good cause shown, the Motion (Doc. 366) is **GRANTED**. The Third-Party Plaintiffs' response deadline to Third-Party Defendants Gaughan and Toti's Motion to Dismiss at Doc. 354 is due 30-days after the entry of an Order disposing of Rand and Bidwill's Motion to Dismiss at Doc. 155.

**Doc. 367: Consent Motion to Extend Class Certification Deadlines**

Finally, by Consent Motion dated October 19, 2022 (Doc. 367), Plaintiffs Tom Hensiek, Jason Gill, and Lillian Wrobel, with Defendants James Koman, the James G. Koman Irrevocable Trust, Timothy Rand, Charles Bidwill III, the Bidwill Succession Trust, Jeffrey Watson, Robert Barrows, the Board of Directors of Casino Queen Holding Co., Inc., and the Administrative Committee of the Casino Queen Employee Stock Ownership Plan ("Movants"), jointly move to extend the current deadline for Plaintiffs to file their motion for class certification. The Movants represent that they are working on discovery and seek to complete Plaintiffs' depositions before filing their Motion. Movants further represent that Counsels for Defendants Shauna Bidwill Valenzuela, Patricia Bidwill, Brian Bidwill, the William J. Koman Sr. Living Trust, the William J. Koman Jr. Irrevocable Trust, the Elizabeth S. Koman Irrevocable Trust, and GreatBanc Trust Company consent to this request. Plaintiffs' counsel also represents that they

circulated a draft of this motion to all counsel of record on October 15, 2022, and received no objections.

Accordingly, for good cause shown, the Motion (Doc. 367) is **GRANTED**. Class certification briefs are due **December 16, 2022**; Memorandum in opposition to class certification shall be filed by **January 27, 2023**; and Reply Memorandum, if any, must be filed by **January 27, 2023**.

**SO ORDERED.**

Dated: October 20, 2022

*/s David W. Dugan*

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DAVID W. DUGAN  
United States District Judge